

SENATE BILL 2834  
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 16, relative to virtual courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, is amended by adding Sections 2-13 as a new appropriately designated chapter.

SECTION 2. The Tennessee general assembly recognizes the growing presence of technology in our legal system and therefore supports the establishment of a cyber court to help to strengthen and revitalize the economy of this state, allow disputes between business and commercial entities to be resolved with the expertise, technology, and efficiency required by the information age economy, to assist the judiciary in responding to the rapid expansion of information technology in this state and to maintain the integrity of the judicial system while applying new technologies to judicial proceedings.

SECTION 3. A court is established in one (1) or more counties, as determined by the supreme court of this state for the dispatch of business and commercial transactions, to be called the cyber court. The cyber court shall sit in facilities designed to allow all hearings and proceedings to be conducted by means of electronic communications, including, but not limited to, video and audio conferencing and internet conferencing. The cyber court shall hold session

and shall schedule hearings or other proceedings to accommodate parties or witnesses who are located outside of this state.

SECTION 4. The cyber court facility is open to the public to the same extent as a circuit court facility. When technologically feasible, and at the discretion of the judge, pursuant to the court rules, all proceedings of the cyber court shall be broadcast on the internet.

SECTION 5. The supreme court shall assign to the cyber court persons who have been elected to and served as judges in this state and who have requested to be considered for that assignment. In making assignments to the cyber court, the supreme court shall consider a person's experience in presiding over commercial litigation and his or her experience and interest in the application of technology to the administration of justice. The supreme court shall endeavor to reflect the ethnic and racial diversity of the state population and the statewide judicial bench when making the assignments under this subsection. The total number of judges assigned to the cyber court shall reasonably reflect the caseload of the cyber court.

SECTION 6. The cyber court shall have concurrent jurisdiction over business and commercial actions in which the amount in controversy exceeds twenty-five thousand dollars (\$25,000.00). The cyber court shall not have jurisdiction over the following:

- (a) Tort actions, including, but not limited to, personal injury, wrongful death, or medical malpractice matters.
- (b) Landlord/tenant matters.
- (c) Employee/employer disputes.
- (d) Administrative agency, tax, zoning, and other appeals.
- (e) Criminal matters.
- (f) Proceedings to enforce judgments of any type.

SECTION 7. Practice and procedure in the cyber court, the form and manner of pleadings, and the manner of service of process shall be in accordance with special rules for the cyber court adopted by the supreme court.

SECTION 8. A defendant in an action filed in the cyber court may remove the action to the circuit court not later than fourteen (14) days after the deadline for filing an answer to the complaint. If the action is removed to the circuit court, the action shall be heard in the circuit court in a county in which venue would be proper. Unless a party removes an action filed in the cyber court to the circuit court pursuant to this section, all parties to an action in the cyber court shall be considered to have waived the right to trial by jury.

SECTION 9. All matters heard in the cyber court shall be heard by means of electronic communications, including, but not limited to, video and audio conferencing and internet conferencing among the judge and court personnel, parties, witnesses, and other persons necessary to the proceeding.

SECTION 10. The cyber court has the same power to subpoena witnesses and require the production of books, papers, records, documents, electronic documents, and any other evidence and to punish for contempt as the circuit court has. The judge and clerk of the cyber court may administer oaths and affirmations and take acknowledgments of instruments by electronic means. An oath or affirmation taken from a person located outside of this state and pursuant to the laws of the jurisdiction in which the person is located shall be considered to be an oath or affirmation authorized by the laws of this state.

SECTION 11. An action in the cyber court shall be heard by the judge without a jury. The court may grant a new trial upon the same terms and under the same conditions and for the same reasons as prevail in the case of the circuit court of this state, in a case heard by a judge without a jury. An appeal from the cyber court shall be to the court of appeals, as prescribed by supreme court rules.

SECTION 12. Not later than July 1, 2004, the state court administrator shall submit a written report to the legislature on the operation of the cyber court. The report shall include the state court administrator's recommendations, if any, for expanding the jurisdiction of the cyber court over other matters.

SECTION 13. The supreme court shall adopt rules to implement this chapter.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.